

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MPK, INC., a California corporation; and  
KENNETH J. GREENBERG, an individual,

Plaintiffs,

v.

BERNARDAUD N.A., INC., a New York  
corporation; GEORGE KAKATY, and  
individual; CORINNE OATS, an individual;  
and DOES 1-100, inclusive,

Defendants.

Case No.: CV 19-422-DMG (JEMx)

ORDER ACCEPTING FINDINGS AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE


The Court has reviewed the pleadings, the records on file, and the Report and Recommendation of the United States Magistrate Judge. Plaintiffs have filed Objections, and the Court has engaged in a de novo review of those portions of the Report and Recommendation to which Plaintiffs have objected. The Court accepts the findings and recommendations of the Magistrate Judge.

Although Plaintiff has belatedly responded to Defendants' discovery requests since the issuance of the Magistrate Judge's Report and Recommendation, his prior willful failure to respond to Defendants' discovery requests, Defendants' Motion to Compel, the Court's Order to Show Cause, and the Order granting Defendants' Motion to Compel has resulted in

1 significant prejudice to Defendants that his dilatory responses have not cured. These failures  
2 occurred before the Court activated its emergency Continuity of Operations Plan.

3 **IT IS HEREBY ORDERED** that: (1) Defendants' Motion For Terminating Sanctions  
4 [Doc. # 27] is GRANTED; (2) Plaintiff's Motion to Continue Trial and related deadlines [Doc. #  
5 35] is DENIED as moot, and (3) Judgment shall be entered dismissing this action in its  
6 entirety with prejudice.

7 DATED: August 31, 2020

  
DOLLY M. GEE  
UNITED STATES DISTRICT JUDGE

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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 MPK, INC., a California corporation; and  
12 KENNETH J. GREENBERG, an individual,

13 Plaintiffs,

14 v.

15 BERNARDAUD N.A., INC., a New York  
16 corporation; GEORGE KAKATY, and  
individual; CORINNE OATS, an individual;  
and DOES 1-100, inclusive.

17 Defendants.  
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Case No. CV 19-00422-DMG (JEMx)

J U D G M E N T

19 In accordance with the Order Accepting Findings and Recommendations of United  
20 States Magistrate Judge filed concurrently herewith,

21 IT IS HEREBY ADJUDGED that this action is dismissed in its entirety with prejudice.  
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23 DATED: August 31, 2020

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DOLLY M. GEE  
UNITED STATES DISTRICT JUDGE  
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